

The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, November 5.—Last 24 Hours' Rainfall, .00.
Temperature, Max. 80; Min. 72. Weather, fair.

ESTABLISHED JULY 2, 1856.

SUGAR.—96 Degree Test Centrifugals, 4.30c. Per Ton, \$86.00.
88 Analysis Beets, 11s. 9d. Per Ton, \$89.00.

VOL. L, NO. 5001.

HONOLULU, HAWAII TERRITORY, SATURDAY, NOVEMBER 6, 1909.

PRICE FIVE CENTS.

OBJECTING TO CONGRESS ACTING

The Cohen Resolution Protesting Against Prohibition Bill Goes Through.

SENATE AND THE HOUSE ACT

Harvey Resolution Defying the Organic Act Passes in the Senate.

The legislature of the Territory of Hawaii yesterday went on record as protesting vigorously against the effort being made by the antisaloon people of the Territory to induce congress to take liquor legislation out of the hands of the legislature and enact a prohibition law affecting solely Hawaii. The house of representatives yesterday morning, by a vote of twenty-six to two, adopted the resolution introduced by Cohen protesting against any such legislation by congress, and the senate in the afternoon unanimously adopted the resolution.

In the senate a peculiar thing was done by the majority, even after the peculiarity had been pointed out by Makekau. That was the passage of a resolution stating that the Governor has not the right to deal with public lands in a way that the Organic Act specifically states that he has.

The passage of the resolution, which was fathered by Harvey, puts the senate into the position of defying the Organic Act under which it is itself created. The resolution is, of course, not worth the paper it is written on.

The action of the legislature is not to be construed as a vote either for or against prohibition. It is a protest against the charge that Hawaii is not capable of self-government, that the legislature is incapable of enacting the laws asked for and needed by the people of this Territory. As Representative Cohen said on the floor of the house, the question is not whether or not there shall be prohibition in Hawaii, but whether or not the power to legislate shall be taken away from the legislature.

THE HOUSE.

It had been anticipated that, although the resolution introduced by Cohen, protesting against congressional enactment of a prohibition law for Hawaii, would probably be adopted by the house, there would be vigorous opposition to it. But no such opposition developed. Sheldon did arise and make the simple statement that he was opposed to the measure, because the house had refused to allow the people to appear at a public meeting and express their sentiments, and therefore he would vote against the resolution. But that was all. Nothing else against it was said on the floor of the house, and Sheldon and Nakalea registered the only negative votes.

There was no opposition whatever in the senate, the resolution being sent up from the house yesterday afternoon and promptly adopted by a unanimous vote.

Cohen's Speech.

Cohen made the most lengthy and vigorous speech of the session in support of his measure. He said:

"Mr. Speaker:—When any man or set of men or any organization goes to Washington and attempts to have congress legislate for us upon a matter that should be purely local, and when they go still further and try by such legislation to place every citizen of Hawaii on the plane of an aborigine on an Indian reservation, it is time for the people through its representatives here assembled to rise as one man and resent such action as an insult to the honor, integrity and intelligence of Hawaiian manhood. We are informed that Mr. Woolley is now in Washington or on his way to Washington to attempt the passage by congress of a bill creating absolute prohibition for the Territory of Hawaii. It does not seem possible that any but a minority so small as to be infinitesimal could advocate a measure of this kind with a purpose so radical. The people of Hawaii have shown their ability to govern themselves in the past and we are constantly endeavoring to have our scope in this respect enlarged and not curtailed.

"We want to advance in self-government not to retrograde, and any legislation in congress that takes away from us the right of self-government in any particular, is a step backward in the advancement of our citizenship. When the legislature of 1907 passed the present liquor law the people were satisfied.

"After two years trial of said law the great majority were more than satisfied with its workings and even the leaders of the local temperance movement expressed themselves as content with the present law and satisfied to let the matter rest as it is—and none more strongly than Mr. Woolley himself who stated that it was the best liquor law he ever saw.

"When an effort was made during the last term of the legislature to

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DOOR IS OPEN FOR SMUGGLERS

Officials Powerless to Stop What May Be the Inlet for All Our Dope.

Opportunities are known to the federal authorities here for the smuggling in of opium while their hands are practically tied. The law places restrictions upon the authorities with respect to the baggage of passengers coming from ports of the United States mainland, and unless a customs officer has full knowledge that opium is actually in the baggage of a passenger and is about to be landed he dare not take the chance of examining the luggage, for fear of a legal boomerang.

Customs officers here and at Coast ports are just now on the qui vive for contraband stuff, principally opium, and whether any is being sneaked in is only guesswork. Every piece of baggage landed from a steamer just in from foreign ports is examined and subjected to a searching investigation for opium. Coming from foreign ports the customs officials have the right to make the examination as effective as they desire, and can take as much time as they wish.

These boats are kept under the surveillance of the customs and immigration authorities at San Francisco during the whole time they are in port. Every piece of baggage and every bundle in the hands of a person leaving the ship is examined. But all this time opium worth thousands of dollars may be secreted in some niche which cunning orientals aboard only know about. But when that vessel sails again for Honolulu and has many passengers for this port, their baggage is not subject to a customs examination. Trunks, valises, hand satchels and any bundles the passengers may have in their possession come ashore without examination.

It is little wonder that the federal authorities wonder, at times, whether contraband stuff is being landed almost before their eyes, and yet the opportunity is there and open to confederates working together aboard the steamships.

STOLEN ICE IS RESTORED

Honorables Apologize Tearfully and Promise to Sin No More.

The internal revenue department had ice yesterday, oodles of ice, more ice than it knew what to do with. The water cooler was full of ice; there was ice on the floor, ice standing in blocks outside the door; a borrowed washtub was full of ice. And still the ice came. Every honorable legislator who had a guilty conscience brought ice; the clerk of the senate brought ice; the janitor came down with a chunk of ice. Peary and Cook would have felt entirely at home in Drake's office.

And with the ice came apologies. The honorable senators did not know until they saw the article in The Advertiser yesterday morning that it was the ice of the United States government that had been stolen. At least, that's what they said.

And anyway, they explained, they were not the guilty ones. They had stolen ice, it is true, but not from the internal revenue department. The ice they had stolen belonged to the house of representatives. It was the representatives, who, missing their own ice, had made up the deficit by purloining the ice of the revenue department.

But just the same, there was a string of senators yesterday morning descending the stairs leading to the lower corridor of the capitol, and every senator held in his half frozen hands a block of crystal ice. They were taking no chances.

Collector of Internal Revenue Walter P. Drake was inclined to be merciful. The honorable senators and the officers of the senate had committed a grave crime, but since they had made restitution and reparation, he would not go to extremes. He would allow them to go without punishment on condition that they would agree to sin no more.

And so the matter stands. The senators are out on their good behavior. But they will have to walk the chalk line during the remainder of the session.

The house, having discovered that the senate was guilty of stealing its ice, and being itself guilty of having stolen the ice of the internal revenue department, is in a dilemma. It does not know what to do. It would like to take measures to punish the senate, but at the same time, the members are afraid of what the federal government may do to them for their part in the swiping of the government ice. And there you are.

SHERIDAN NEXT TROOPSHIP.

The transport Sheridan was due to leave San Francisco yesterday for Honolulu and Manila. She is bringing a number of Honolulu people back, some attached to the services, and is carrying a cavalry regiment to the Philippines. A new chaplain for Schofield Barracks will arrive on the Sheridan.

AGREEMENT UP FOR ARBITRATION

Tedious Methods of Supervisors Call Forth Decisive Proposition.

PROPOSALS TURNED DOWN

Telephone Company Leaves It to Merchants' Association to Decide.

Temporizing and procrastination still hold the boards in the pending conduit negotiations between the board of supervisors and the Mutual Telephone Company, the former, by its special committee of five, still pumping out proposals of its own and turning down proposals of the telephone people. Yesterday the committee decided that



GEO. W. SMITH, Who is chairman of committee that may arbitrate telephone matter.

they could not recommend the acceptance of the telephone company's counter proposal without backing down from the antagonistic position in which they have chosen to place themselves.

That the telephone company is tired of these methods is evidenced in a letter addressed to the board by them in which they give up all their attempts to reach a compromise directly with the board, and offer to abide by the arbitration of the merchants' association. The letter, which has not yet received the attention of the committee, is as follows:

"Gentlemen:—As you have not accepted the proposition which the telephone company made to you in its letter of November 4, which was the result of our conference with a committee of the merchants' association, we now do submit to you the further following proposition:

"That the telephone company and the board of supervisors submit the subject matter of their difference to the committee of the merchants' association for arbitration and settlement. The telephone company on its behalf agrees to be bound by the result of such arbitration. Yours truly The Mutual Telephone Company, by George R. Carter, its treasurer."

Whether Aylett, Cox, Kane, Ahia and McClellan, not to mention the mayor, will accept this fair-minded proposition is another matter. There is a gentle touch of hopeless despair in the tone of the letter, that would seem to indicate that the company would not be surprised if this proposition, like all the rest, would be antagonized by the Solid Six.

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NATIONALS WIN.

(By Associated Press.)

MANILA, November 5.—The new Assembly is made up of sixty Nationalists, fifteen Progressivists and five Independents. The Nationalists have gained governors for four provinces, and are demanding that the United States immediately grant independence to the Philippines.

GERMAN CRUISER SAILS.

The German cruiser Arcona sailed from San Francisco yesterday to return to her station in China waters. It is presumed that she will make a return call here en route.

SPECIAL MAIL DELIVERY.
Owing to the large amount of mail due to reach this office on Saturday, November 6, per S. S. Alameda, Mauna Kea and Mikahala, it will be impossible to make a complete delivery of mail to persons residing in the outside carrier districts. Arrangements have been made for a delivery of such mail to those who will kindly call at the general delivery window during Saturday evening until midnight. The carriers' window and the general delivery will be open from 8:30 to 11 o'clock Sunday morning for delivery of mail.
JOSEPH G. PRATT,
Postmaster.

MONEY COMES IN READILY

Y. M. C. A. Collections as Easy as Securing Signatures—Paying Ahead.

Although the excitement of the campaign days of the Y. M. C. A. building fund is over, the interest has in no way abated. The \$144,000 subscribed was to be paid up in five payments. The month is only five days old and yet the collections up to date amount to \$30,000 which is more than the first one-fifth of the payments. Many who subscribed are paying their subscriptions in one lump sum, preferring to do this rather than make the building committee wait or to be bothered with the five smaller payments.

Special collectors for the Punahou students have been appointed and will work under the leadership of Mr. Hitchcock, the instructor in drawing at that institution. All other subscriptions are payable at the Y. M. C. A. building or a check may be mailed to F. C. Atterton, the treasurer of the building committee.

If the collections swing along at the same rapid rate as did the subscriptions during the six-day campaign, the whole of the amount subscribed will be paid long before the second payment is to fall due.

Negotiations are still under way for the purchase of the present library site and the exchange suggested of the giving of the present Y. M. C. A. quarters in exchange for the present library may yet be brought about. The building committee is working with a vim and determination that is sure to bring forth early results.

GETTING AFTER PURE FOOD LAW VIOLATORS

Two Chinamen First to Fall Into the Clutches of the Authorities.

What is liable to resolve itself into a general cleanup of violators against the pure food and drug laws was initiated yesterday in the arrest of Sing Kee and T. K. Soong, two Chinamen who are accused of selling imitation apple cider, not so labeled, their arrest being made at the instigation of R. A. Duncan, official chemist, who has had his weather eye on offenders in the cider line for some time.

This brand of thirst-assuager is sold to the retailer by the manufacturer labeled correctly; that is, that it is imitations, but the retailer has a universal habit of palming it off as the real goods. Hence the retailers who are doing it are going to be gently corrected. In this case, the cider was purchased, properly labeled, from the Arctic Soda Works and sold for pure apple cider.

All adulterators of foodstuffs and drinks are liable to feel the tightening of official lines if they persist in the practice of mislabeling. Another investigation, that might materialize, as announced some time ago, will be made into the ice cream manufacture. There is more humor than anything else in this matter. A former appeal to tell Duncan what ice cream really was, however, resulted in many people communicating with him to that effect. Several manufacturers approached him seriously, requesting information as to what they must do to comply with the law.

MONTH'S WORK MORE ON THE NUUANU DAM

Another month will see the sluicing at the Nuuanu dam completed, after which time the rock face will be put on the big fill, the work of clearing out the vegetable growth in the reservoir site put under way and the reservoir will be in shape to commence the storing of water. The fact that a bill to place Hawaii under prohibition has been presented in congress and John G. Woolley is hastening to the capital to back it has nothing to do with the probable early completion of the four-year job. Even the fact that the Star has joined the ranks of good templars and will shortly appeal for rush work on the water tank is not responsible.

The fact is that Contractor Whitehouse has been steadily plugging along under his new contract and in rain or shine, flood or drought, has kept his sluices at work packing the red dirt along his line of survey sticks, with the result that now one side of the dam has reached its final level and the rest of it is creeping up to completion. At the same time, the work on the spillway, which will accommodate any extra surplus in time of flood, has been pushed ahead; the work of getting out rock for the riprap work and putting some of it in place has been progressing, and the big work, the end of which so many have never expected to see, is reaching that stage of completion when Whitehouse can look the legislative committees in their individual eyes and invite them to drop in and try the water.

Yesterday, Representative Sheldon, accompanied by other members of the house and senate, paid the dam a formal visit. The contractor did not know of their coming and was not on hand, so the legislators wandered up and down the slopes, tried the firmness of the banks and the mudiness of the mud and returned to town.

The rumor is not credited.

GREAT SUMS ARE LEFT TO CHARITY

Late Gotham Banker Bequeaths Many Millions to Various Branches of Work.

AMOUNT LARGEST ON RECORD

Was Officer and Member of Many Organizations Profiting by His Will.

(By Associated Press.)

NEW YORK, November 6.—The probating of the will of J. S. Kennedy, the millionaire banker and philanthropist who died Sunday last from the whooping cough, has proved his bequests to charity to be the largest on record.

To the different educational and



J. S. KENNEDY, Whose legacy to charity is largest single bequest on record.

religious charities with which he was closely identified, either as officer or member, he has left \$25,000,000, a sum which has never been equaled as a single bequest to charity. To his relatives and to his old employees he has left sums totaling \$35,000,000.

At the time of his death, Kennedy, who was born in Scotland in 1830, was seventy-nine years of age and his immense fortune has been built up in banking. The associations, charitable and religious, with which he has been associated and who share his bequest are the Presbyterian Hospital, of which he was president; as he was of Robert College, and the American Bible House at Constantinople; and also vice president of the society of ruptured and crippled, vice president and trustee of the New York public library and many other prominent institutions.

GIFT TO SCHOOL WILL PROVIDE AUTO RIDES

Doctor Baldwin Arranges Pleasure for Industrial School Girls.

Automobile rides for three months for the girls of the Girls' Industrial School are in the little slip of paper that was handed to Matron Miss S. T. Sterritt by Dr. D. W. Baldwin yesterday.

Doctor Baldwin, who is the doctor for the school, has taken a great interest in the institution which is caring for both orphan and wayward girls, and his "little gift" yesterday was in the way of a reminder of himself during the three months that he will be gone from the Islands, being a check to pay for an outing for the girls every Saturday. He leaves today on the Manchuria and will return about February 1st.

This is the class of gift that does much good to the girls, as it brings them into the open air. Many kindnesses have been extended to them by giving them leave to roam over the grounds of those who are interested in their welfare. Mrs. Holloway has extended an invitation for a day's romp at her place at Waialae, where the young women can enjoy surf bathing and seaweed gathering, and S. M. Daum has offered the use of an island off Moanalua as a day's playground. Mrs. W. W. Thayer has also added to the list of invitations by offering the grounds about her home on Alewa Heights.

RUMORS OF DEATH OF COLONEL ROOSEVELT

(By United Press.)

SAN FRANCISCO, November 5.—A wave of excitement is sweeping the States on account of a rumor, the origin of which is at present impossible to trace, to the effect that Colonel Roosevelt has met death in the wilds of Africa while hunting; that he was killed in an encounter with large game. The ex-President has been beyond communication for over a week, as far as accredited press reports are concerned, and it is difficult to ascertain how a report of his death, if indeed he has been killed, could have reached civilization without the source of the information being identified.

The rumor is not credited.

RESIGNS AS INSULAR HEAD

Forbes Succeeds Smith as the Governor-General of the Philippines.

THREE-YEAR SERVICE ENDS

The Retiring Executive Has Been Identified With Many High Positions.

(By Associated Press.)

WASHINGTON, November 6.—The resignation of James Francis Smith as governor-general of the Philippines was accepted yesterday and William Cameron Forbes has been appointed in his place. For some time past, Forbes has been acting as governor-general owing to Smith's continued illness and the resignation of the latter has not come as a surprise to Washington authorities.

The retiring head of the Philippine government ranks as a brigadier-general in the United States Volunteers, having come to the islands in 1898 as colonel of the First California Regiment, and serving continuously since that time in military and civil positions. He has fought in the battles of Malate, Trenches 1898, of Santa Ana in the year following and in other hard fighting through the islands including the taking of Manila in 1898.

He was a member of the commission to confer with the commission sent by Aguinaldo to sue for terms in January, 1899. He has been in command of the island of Negros and later was the military governor of the same island and then collector of customs for the Philippine Archipelago during the following year. His other positions previous to having been appointed as governor-general in 1906, include associate justice of the supreme court of the Philippines, member of the Philippine commission and secretary of public instruction.

His successor in office has been connected with the insular government since 1904 when he was made a member of the Philippine commission and later, secretary of commerce and police in the government of the islands. He has been active in all affairs in the islands since his appointment to the latter position in 1904.

GREAT VESSEL HAS BOILER EXPLOSION

Twelve Injured, but All to Small Extent, and She Continues on Her Way.

(By Associated Press.)

PORTSMOUTH, New Hampshire, November 6.—Although the great North Dakota, the new battleship of the superdreadnought type, suffered an accident that injured twelve men yesterday, it was not serious enough to force her to postpone the twenty-four hour speed test, the latest and most severe test which she has had to undergo.

The twelve injured are all in the hospital, but their injuries, which were caused by the explosion of a boiler tube, are minor. Others in the vicinity of the accident were also more or less badly burned, but not enough to warrant them leaving their post of duty.

During the official endurance tests which she has had to undergo, she is proving up to a wonderful degree, and yesterday made twenty-one knots an hour for four hours steady.

MORGAN DINED.

(By Associated Press.)

SAN FRANCISCO, November 5.—James F. Morgan of the Honolulu Chamber of Commerce was at noon today the guest at luncheon of the California Promotion Committee. Mr. Morgan's remarks on some of the mutual commercial interests of California and Hawaii met with much favor.

RAH FOR TAFT.

(By Associated Press.)

SAVANNAH, November 5.—When President Taft reached here this morning from Macon, he was welcomed by a large and vociferous multitude, being greeted on all hands with cries to the effect that he should serve another term as the Nation's chief executive.

TREASURER SHORT.

(By Associated Press.)

FRAMINGHAM, Massachusetts, November 5.—The town treasurer has been indicted for forgery. His accounts show a shortage of \$300,000.